

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Lewis Darden )  
                  )  
Plaintiff      )  
                  )  
V.               )      CIVIL ACTION  
                  )      NO. \_\_\_\_\_  
COMMISSIONER OF )  
SOCIAL SECURITY ADMINISTRATION )  
                  )  
Defendant      )

**COMPLAINT**

Plaintiff, by his attorney, alleges as follows:

1.

The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §§ 405(g) and 1383(c) to review the decision of the Social Security Administration denying Plaintiff's application for Social Security Disability benefits.

2.

Venue in this court is proper.

3.

This action is an appeal from a final administrative decision of the Appeals Council for the Social Security Administration denying Plaintiff's claim.

4.

This action is commenced within the time period set forth in the Notice of Appeals Council Action dated June 14, 2023.

5.

Plaintiff resides in McDonough, Henry County, Georgia.

6.

Defendant, Commissioner of Social Security Administration.

7.

Plaintiff is disabled.

8.

The conclusions and findings of fact of Defendant are not supported by substantial evidence and are contrary to law and regulations.

WHEREFORE, Plaintiff prays that this Court:

- (a) find that Plaintiff is entitled to disability benefits under the provisions of the Social Security Act; or
- (b) remand the case for a further hearing;
- (c) award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on the grounds that the Commissioner's action in this case was not substantially justified; and

(d) order such other and further relief as the Court deems just and proper.

This 20th day of July 2023.

ROGERS, HOFRICHTER & KARRH, LLC

s/ David Gregory Rogers

David Gregory Rogers  
Atty. for Plaintiff  
Ga. State Bar No. 612246  
[grogers@rhpkc.com](mailto:grogers@rhpkc.com)  
225 S. Glynn St., Ste. A  
Fayetteville, GA 30214  
(770) 460-1118

**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

The General Counsel  
Social Security Administration  
Room 617 Altmeyer Building  
6401 Security Boulevard  
Baltimore, MD 21235

Attorney General of the United States  
ATTN: Civil Process Clerk  
Department of Justice  
Tenth & Constitution Avenue N.W.  
Room B324  
Washington, D.C. 20530

This 10th day of February 2023.

ROGERS, HOFRICHTER & KARRH, LLC  
s/ David Gregory Rogers

David Gregory Rogers  
Atty. for Plaintiff  
Ga. State Bar No. 612246  
[grogers@rhpkc.com](mailto:grogers@rhpkc.com)  
225 S. Glynn St., Ste. A  
Fayetteville, GA 30214  
(770) 460-1118